IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18216 of 2004

Between:

1. N. Appa Rao, S/o. Munnaiah, R/o. MIG, BHEL, Ramachandrapuram, Medak District.

..... PETITIONER

AND

1. The Government of A.P. rep by its Secretary, Panchayat Raj & Rural Development Department, Secretariat, Hyderabad.
2. The Engineer-in-Chief, Panchayat Raj, Erramanjil, Hyderabad.
3. The Executive Engineer, Panchayat Raj, Sanga Reddy, Medak District.
4. S. Venkat Reddy, S/o. Venkateshwar Reddy, A.E.,R.W.S., Shankarampet, Medak District.
5. The Mandal Praja Parishad Development Officer, Ramachandrapuram, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus of holding the judgment dt.31-8-2004 in O.A.No. 4787 of 2004 and batch is illegal, arbitrary and contrary to the law laid down by the Supreme court and consequently set aside the judgment dt. 31-8-2004 in O.A.No.4787 of 2004 on the file of the A.P. Administrative Tribunal.

Counsel for the Petitioner:MR.J.RAMACHANDRA RAO

Counsel for the Respondents No.1 to 3 and 5: GP FOR SERVICES II.

Counsel for the Respondent No.4: Mr. R.V.Mallikarjuna Rao.

The Court at the stage of admission made the following :

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The writ petition is filed with the prayer as follows:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus of holding the judgment dt.31-8-2004 in O.A.No.4787 of 2004 and batch is illegal, arbitrary and contrary to the law laid down by the Supreme Court and consequently set aside the judgment dt.31-8-2004 in O.A.No.4787 of 2004 on the file of the A.P.Administrative Tribunal, and pass such other orders as are necessary in the interests of justice."

The petitioner was working as Assisant Engineer (PR) in M.P.Kalwakurthy. By an order of the 2nd respondent dated 14-06-2004, the petitioner was transferred from the said place as Assistant Engineer at M.P. Ramachandrapuram, in the place of the 4th respondent herein. Consequently, the 4th respondent was transferred to some other place, the details of which are not necessary for disposal of the present writ petition. Aggrieved by the orders of the Tribunal, the 4th respondent approached the A.P. Administrative Tribunal in O.A.No.4787 of 2004 and the Tribunal by order dated 31-08-2004 disposed of the O.A., along with certain other O.As., where similar questions were raised, holding that by virtue of certain Government orders in G.O.Rt.No.157, Panchayat Raj and Rural Development (Est.III) Department, dated 03-05-2000, appeal lies to the Government against the orders of transfer and since the applicant before the Tribunal i.e., the 4th respondent herein, did not avail the appeal remedy, the Tribunal thought it fit to direct the 4th respondent to prefer an appeal as prescribed earlier and having regard to the facts and circumstances of the case, the Tribunal thought it fit to direct that pending such an appeal, *status quo ante*, be maintained.

Challenging the said orders insofar as the Tribunal directed maintenance of *status quo ante*, the present writ petition is filed.

The impugned order is only made as a temporary arrangement during the pendency of the appeal to be preferred by the respondent. Having regard to the facts and

circumstances of the case, we do not see any error of jurisdiction or irregularity in the order of the Tribunal.

In the circumstances, we see no merits in the writ petition and the same is accordingly, dismissed at the stage of admission. No costs.

J.Chelameswar, J

Goda Raghuram, J

08th October, 2004.

mrk

To

1. The Secretary, Panchayat Raj & Rural Development Department, Government of A.P.,Secretariat, Hyderabad.
2. The Engineer-in-Chief, Panchayat Raj, Erramanjil, Hyderabad.
3. The Executive Engineer, Panchayat Raj, Sanga Reddy, Medak District.
4. The Mandal Praja Parishad Development Officer, Ramachandrapuram, Medak District.
5. The Registrar, A.P. Administrative Tribunal, Hyderabad.
6. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad(OUT).
7. Two CD copies.